

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHARLES J. ANTHONY, SR.,

Plaintiff,

v.

5:15-CV-450
(DNH/TWD)

JAMES P. MURPHY, Honorable Justice,

Defendant.

APPEARANCES:

CHARLES J. ANTHONY, SR.

Plaintiff, pro se

8819 Gaskin Road

Clay, NY 13041

DAVID N. HURD

United States District Judge

DECISION and ORDER

Pro se plaintiff Charles J. Anthony, Sr. filed this action on April 15, 2015, and subsequently filed a superseding amended/supplemental complaint. On April 28, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's amended/supplemental complaint be dismissed with prejudice. No objections to the Report-Recommendation were filed. Currently also pending are motions by plaintiff to proceed in forma pauperis and for the appointment of counsel.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1). As the complaint will be dismissed with prejudice, there is no need to consider

plaintiff's pending motions to proceed in forma pauperis and for the appointment of counsel. Accordingly, those motions will be denied as moot.

Therefore, it is

ORDERED that

1. Plaintiff's amended/supplemental complaint is DISMISSED with prejudice upon initial review under 28 U.S.C. § 1915(e);

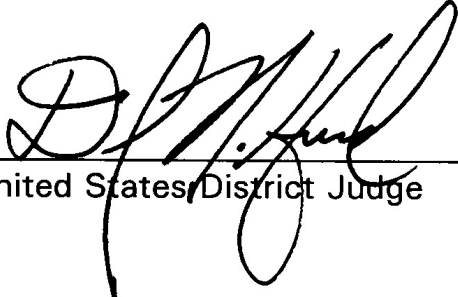
2. Plaintiff's third motion to proceed in forma pauperis is DENIED as moot;

3. Plaintiff's motion for the appointment of counsel is DENIED as moot; and

4. The Clerk enter judgment accordingly, close the file, and serve a copy of this

Decision and Order upon plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.


United States District Judge

Dated: May 27, 2015
Utica, New York.